

The Gazette of India



1/9/56

**EXTRAORDINARY
PART II—Section 2
PUBLISHED BY AUTHORITY**

No. 37]

NEW DELHI, FRIDAY, AUGUST 10, 1956

LOK SABHA

The following Bill was introduced in Lok Sabha on the 10th August, 1956:—

BILL No. 34 OF 1956

A Bill further to amend the Code of Civil Procedure, 1908.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1956. Short title,
extent and
commencement.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the President may, by notification in the Official Gazette, appoint in this behalf.

V of 1908.

2. Section 87B of the Code of Civil Procedure, 1908, shall be omitted. Omission of
section 87B,
Act V of
1908.

STATEMENT OF OBJECTS AND REASONS

Before the attainment of Independence there were in India a large number of States. The rulers of these States were given immunity from civil proceedings in Indian Courts and they were treated on the same basis as aliens or foreign rulers.

The Code of Civil Procedure as it stood before the independence contained provisions for this purpose in Sections 83 to 87, under the heading "Suits by Aliens and by or against Foreign Rulers and Rulers of Indian States".

Subsequently the Code of Civil Procedure (Amendment) Act (II of 1951) was passed and the former Sections 83 to 87 were substituted by Section 12 of that Act as the present Section 83 to 87B. By this amendment Aliens, Foreign Rulers, Ambassadors and Envoys were put in one category and provisions in respect of them were embodied in the new Sections 83 to 87A and these Sections were placed under the heading "Suits by Aliens and by or against Foreign Rulers, Ambassadors and Envoys".

Rulers of former Indian States were put under a different category and provisions in respect of them were made in the new Section 87B. By this Section 87B the provisions of the new Section 85 and sub-sections 1 and 3 of Section 86 were made applicable to the former rulers of Indian States as if they were Rulers of Foreign States.

All these rulers of former Indian States enjoy large private properties and some of them carry on business. They are in full enjoyment of the rights and privileges of a citizen and they must be subjected to the liabilities and duties of a citizen. Equality before law being one of the fundamental principles of our Constitution this special immunity from the processes of the civil law of the land is not warranted. This Bill is intended to remove this anomaly by deleting Section 87B and placing the rulers of former Indian States on a par with the rest of the citizens of India before the civil law of the land.

NEW DELHI;
The 10th April, 1956.

M. L. DWIVEDI.

M. N. KAUL,
Secretary.